

Federal Crop Insurance Corporation, USDA

§ 400.52

a determination from the appropriate agency.

(d) Notwithstanding any other provision of this subpart, any crop insurance policy where insurance attached to a crop prior to August 15, 1986, will continue in effect for that crop until the next termination date following August 15, 1986.

[52 FR 19128, May 21, 1987, as amended at 58 FR 17945, Apr. 7, 1993; 61 FR 38058, July 23, 1996; 65 FR 29942, May 10, 2000]

§ 400.48 Protection of interests of tenants, landlords or producers.

Any tenant, landlord or producer on the farm separate from the person declared ineligible for crop insurance under the provisions of § 400.47 of this part, will remain eligible for crop insurance on their insurable share in the crop, unless such tenant, landlord, or producer on the farm is:

(a) Also convicted of planting, cultivating, growing, producing, or storing a controlled substance;

(b) Otherwise determined by FCIC to be ineligible for crop insurance.

[52 FR 19128, May 21, 1987, as amended at 61 FR 38058, July 23, 1996]

§§ 400.49–400.50 [Reserved]

Subpart G—Actual Production History

AUTHORITY: 7 U.S.C. 1506, 1516.

SOURCE: 59 FR 47787, Sept. 19, 1994, unless otherwise noted.

§ 400.51 Availability of actual production history program.

An Actual Production History (APH) Coverage Program is offered under the provisions contained in the following regulations:

7 CFR 401.110—Almond Endorsement
7 CFR part 405—Apple Crop Insurance
7 CFR 401.118—Canning and Processing Bean Endorsement
7 CFR part 409—Arizona-California Citrus Crop Insurance
7 CFR 401.127—Cranberry Endorsement
7 CFR part 433—Dry Beans Crop Insurance
7 CFR 401.116—Flaxseed Endorsement
7 CFR part 415—Forage Production Corp Insurance
7 CFR 401.130—Grape Endorsement

7 CFR part 455—Macadamia Nut Crop Insurance

7 CFR 401.126—Onion Endorsement

7 CFR part 447—Popcorn Crop Insurance

7 CFR part 403—Peach Crop Insurance

7 CFR 401.140—Pear Endorsement

7 CFR part 416—Pea Crop Insurance

7 CFR 401.146—Fresh Plum Endorsement

7 CFR part 422—Potato Crop Insurance

7 CFR part 450—Prune Crop Insurance

7 CFR 401.123—Safflower Seed Endorsement

7 CFR 401.133—Sugarcane Endorsement

7 CFR part 430—Sugar Beet Crop Insurance

7 CFR 401.124—Sunflower Seed Endorsement

7 CFR part 437—Sweet Corn Crop Insurance

7 CFR part 441—Table Grape Crop Insurance

7 CFR 401.129—Guaranteed Tobacco Endorsement

7 CFR 401.114—Canning and Processing Tomato Endorsement

7 CFR part 454—Guaranteed Production Plan of Fresh Market Tomato

7 CFR part 446—Walnut Crop Insurance

7 CFR part 457—Common Crop Insurance Regulations; and all special provisions thereto unless specifically excluded by the special provisions.

The APH program operates within limits prescribed by, and in accordance with, the provisions of the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), only on those crops identified in this section in those areas where the Actuarial Table provides coverage. Except when in conflict with this subpart, all provisions of the applicable crop insurance contract for these crops apply.

§ 400.52 Definitions.

In addition to the definitions contained in the crop insurance contract, the following definitions apply for the purposes of the APH Coverage Program:

(a) *APH*—Actual Production History.

(b) *Actual yield*—The yield per acre for a crop year calculated from the production records or claims for indemnities. The actual yield is determined by dividing total production (which includes harvested and appraised production) by planted acres for annual crops or by insurable acres for perennial crops.

(c) *Adjusted yield*—The transitional or determined yield reduced by the applicable percentage for lack of records. The adjusted yield will equal 65 percent of the transitional or determined yield, if no producer records are submitted; 80